

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARUNEE RYLES,

No. C 04-5326 SBA

Plaintiff,

v.

ORDER

PALACE HOTEL et al.,

Defendants.

On May 1, 2006, the parties in the above-captioned action participated in a voluntary private mediation, following which they agreed to settle. Plaintiff signed a settlement agreement on July 21, 2006. Plaintiff attempted to rescind the agreement on July 27, 2006. Defendants refused to allow Plaintiff to rescind.

On August 9, 2006, Defendant Starwood Hotels & Resorts Worldwide filed an ex parte application and request for an earlier hearing date on a motion to enforce settlement agreement, dismiss action with prejudice and vacate trial date. Defendant filed its motion to enforce settlement agreement concurrently with the application. Defendant requested an earlier hearing date on their motion, because the trial in this action is scheduled to begin on September 18, 2006. On August 10, 2006, Plaintiff filed an opposition to Defendant's ex parte application. On August 11, 2006, Plaintiff advised the Court that she was in the process of looking for a new attorney. Plaintiff requested that the Court continue the trial date to allow her time to find a new attorney. On August 24, 2006, Plaintiff filed a notice of substitution of attorney.

On August 28, 2006, the parties participated in a settlement conference before Judge James. The parties were not able to resolve their settlement dispute.

Good cause appearing,

IT IS HEREBY ORDERED THAT the pre-trial conference, scheduled for September 12, 2006 at 1:00 p.m., is VACATED.

1 IT IS FURTHER ORDERED THAT the trial, scheduled to begin on September 18, 2006, at 8:30
2 a.m., is VACATED.

3 IT IS FURTHER ORDERED THAT the hearing on Defendant's Motion to Enforce Settlement
4 Agreement [Docket No. 31] is scheduled for **October 24, 2006 at 1:00 p.m.** The Court may, in its
5 discretion, adjudicate the Motion without a hearing, in which case the Clerk will notify the parties that
6 no appearance is necessary.

7 IT IS FURTHER ORDERED THAT a Case Management Conference will take place on **October**
8 **24, 2006 at 1:00 p.m.**, immediately following the hearing on Defendant's Motion to Enforce Settlement
9 Agreement.

10 IT IS SO ORDERED.

11
12 Dated: 9/1/06


SAUNDRA BROWN ARMSTRONG
United States District Judge